IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10466 OF 2004

Kumar Krishna Naidu & Ors. ..Petitioners.

Vs.

Ranjanwadi Shikshan Trust

Ranjanwadi and Ors. ..Respondents.

....

Mr.P.B.Shah for the Petitioners.

Mr.S.J.Rairkar for Respondent Nos.1, 2, 4 and 5.

...

CORAM : DR.D.Y.CHANDRACHUD, J.

29th April, 2005.

P.C. :

The order of the Learned Trial Judge at the interim stage notes that the city survey extract contains an entry to the effect that the area of the otta is to be kept free for access of persons who visit the market in Mahabaleshwar during the summer season. There was an imminent threat of the Petitioner carrying out a construction of a shed and therefore, an order of injunction was passed. The order of interim

injunction has been confirmed in appeal on 16th October, 2004. The interference of this Court is manifestly not warranted particularly because the impugned orders subserve the interest of passers by and those who use the municipal market. At the same time, the Petitioner has not been prevented from using his own shop premises for the purposes of his business since the injunction operates only in relation to the area of an otta. There is, therefore, no merit in the Petition. However, while dismissing the Petition it is clarified that all the observations contained in the impugned order and in the present order are only confined to the disposal of the application for interim relief. The Trial Court shall dispose of the suit without regarding these observations as concluding the merits of the suit. The trial of the suit is expedited. The Learned Trial Judge is requested to set down a time schedule for the early disposal of the suit preferably on or before 31st December, 2005. The Petition is disposed of.